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TAGS: [PGOV](#) [PREL](#) [PINR](#) [RS](#) [UP](#) [MARR](#)  
SUBJECT: UKRAINE: PRESIDENT'S BSF DECREES HEIGHTEN DOMESTIC  
AND UKRAINE-RUSSIA TENSIONS

REF: A. MOSCOW 2411  
[1](#)B. KYIV 1558

Classified By: Charge for reasons 1.4(b,d).

[1](#)1. (C) Summary and Comment. The issuance on August 13 by President Yushchenko of two decrees regulating Russian Black Sea Fleet (BSF) and other military units' entry into Ukraine and deployments from Ukrainian territory has triggered another sharp exchange between Kyiv and Moscow (ref. A). The Presidential Secretariat has noted that the decrees would not apply to the current BSF deployment to the Georgian coastline, but would affect any future sorties. The Presidential Secretariat has called for renewed engagement with international partners regarding security guarantees, as the Georgia crisis placed into question Ukraine's ability to count on support if faced by an outside threat. PM Tymoshenko has remained notably silent on the crisis, generating increased calls from coalition partners for her to take a public stance. Following initial criticisms of President Yushchenko regarding reported arms sales to Georgia, both the Party of Regions and Communists have muted their comments. Crimea remains calm, but the anticipated return of BSF ships to Sevastopol has the GOU planning for potential pro and anti-Russia demonstrations (reftel).

[1](#)2. (C) Comment: MFA contacts indicate that intense internal discussions are underway within the GOU on how best to present the Georgia crisis as arguing strongly for Ukraine receiving MAP in December, while avoiding any impression that Kyiv is disassociating itself from Georgia. We anticipate that parallel debates are underway on how to proceed regarding enforcement of President Yushchenko's BSF decrees -- especially given likely Russian non-compliance with the decree provisions. Post believes upcoming hearings on the Georgia crisis called by Rada Defense and National Security Committee chair Hrytsenko will be key in moving domestic discussion and government policy forward on these issues. End Summary and Comment.

#### Yushchenko Decrees to Regulate BSF Movements

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[1](#)3. (C) President Yushchenko on August 13 signed two decrees enacting NSDC decisions to 1) regulate border crossing for BSF personnel, ships, and planes, and 2) require GOU permission for future BSF deployments. Similar language had been contained in two resolutions passed by the Cabinet of Ministers on June 25, but as yet not signed by PM Tymoshenko. The Presidential Secretariat's move on the decrees probably resulted from a calculation that the PM was unlikely to sign the decrees in the near future, if ever. (Embassy note: Tymoshenko has to date refrained from making any statements on the Georgia crisis, probably calculating that any public position would be used against her in the upcoming presidential contest. End Note.) The

first decree requires 72 hour notification to Ukraine's General Staff by Russia regarding BSF and other units' intentions to transit Ukraine's borders. The decrees stipulate that notifications should contain information regarding ammunition, weapons, explosives, and military equipment being transported.

¶4. (C) Yushchenko's second decree regards the deployment of military formations of the Black Sea Fleet beyond the territory of Ukraine. The BSF commander must request permission from Ukraine's MoD at least 10 days prior to movements outside the territory of Ukraine. The MoD will forward copies of the foreign military request to the MFA, Security Service of Ukraine (SBU), MoI, Ministry of Emergency Situations, State Border Guard Service, and State Customs Service. These entities must reply to the MoD and the approval of the requested movements must be unanimous. Routine movements can be approved on a monthly basis and Ukraine reserves the right to inspect such movements. (Embassy Note: Although the decrees do not carry treaty status, MFA and other GOU contacts have referred to Article 6, paragraph 1, of the third 1997 treaty governing the conditions for BSF stationing in Crimea, which states "[the BSF] will respect the sovereignty of Ukraine, comply with its legislation, and not interfere into its internal affairs." The language on complying with Ukrainian legislation is specifically cited by the GOU as compelling the BSF to abide by the new decrees. End Embassy Note.)

¶5. (U) Presidential Secretariat Deputy Oleksandr Shlapak said on August 13 that the new requirements would not apply to the BSF's current deployment to the coast of Georgia. He clarified that "unfortunately" this was not a

retroactive act and added that, once the decree is published, the GOU can demand that ships, aircraft, and military personnel deploying from Ukraine receive advance permission. Shlapak added that according to estimates, there are close to ten thousand unregistered Russian military servicemen residing on Ukrainian territory today. He noted that the new regulations were approved by the Cabinet in late June, but were not put into force "for unknown reasons."

¶6. (U) Another Presidential Secretariat Deputy, Andriy Honcharuk, told the press that Ukraine had played a vital role in helping to stabilize the conflict in Georgia. He claimed that a significant number of Yushchenko's suggestions had been included in the international plan to resolve the conflict. However, Honcharuk added that the international community's response to the conflict was "reserved" and that expectations of international security guarantees in regards to Georgia had not been met. Honcharuk noted that the crisis also had negative implications for Ukraine, as it too could not rely on current security guarantees in the event of foreign aggression. Without providing specifics, Honcharuk concluded that Ukraine now needed to engage with the international community to develop a new approach on security issues. Rada Defense and National Security Committee head Hrytsenko announced hearings to examine Ukraine's current security environment and future requirements in light of the Georgia conflict. The session may be held August 15.

PM and Interior Minister Said to Oppose Decrees; Claim no Knowledge

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¶7. (U) The presidential decrees also generated domestic tensions when Presidential Secretariat Deputy Shlapak stated that the NSDC's decision to adopt the decrees was supported by only 12 of its 14 members, with Prime Minister Tymoshenko and Interior Minister Lutsenko opposed to the decision. The CabMin website posted a subsequent statement that Tymoshenko did not receive an invitation to attend any NSDC session during the past several days and that the CabMin only learned of the meeting from the media.

The CabMin statement said that "Unfortunately, lies and attempts to compromise us have become the daily task for the Presidential Secretariat." Lutsenko also expressed surprise at Shlapak's statement and told reporters that he also was not notified of the meeting, and was currently away from Kyiv on vacation. Furthermore, Lutsenko pointed out that only a few months ago, the Ministry of the Interior had itself coordinated negotiations concerning a new agreement on the terms of movement of the Black Sea Fleet in and around Ukrainian territory. Lutsenko demanded that Shlapak retract his statements and threatened to sue if he refuses.

#### Political Parties Muted

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¶8. (U) After initial statements criticizing President Yushchenko for allowing arms sales to Georgia, both the Party of Regions and Communist Party have remained relatively muted. The Lytvyn Bloc, which advocates Ukrainian neutrality, released a statement urging Ukraine to give up its intentions to join NATO any time soon. It advised the government to pause and rethink its foreign policy, especially in regards to the Black Sea area and the conflict in Ossetia. The bloc stated that Ukraine should ultimately work towards an internationally supported neutral status. Hanna Herman of the Party of Regions noted that while the PoR does not approve of all of Russia's actions, the government must carefully consider its policy and not take sides in the conflict. Otherwise, it risked worsening its relations with Russia. She stated that although President Yushchenko may have "looked the part" during his appearance on stage with Saakashvili on August 11 in Tbilisi, he should refrain from "emotional" decisions to commit Ukraine to supporting Georgia while it has "enough problems of its own".

#### MOD Denies Claim that Antiaircraft Systems Sourced from Ukraine

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¶9. (U) The Ministry of Defense press service denied recent media reports that the Russian planes shot down over Georgia were downed by Ukrainian-made anti-aircraft systems. The reports, which came out on August 13, quoted an unnamed Russian military official who allegedly told reporters that Russian aircraft were shot down by S-200 and TOR surface-to-air missiles sold to Georgia by Ukraine and operated by Ukrainians. Ukraine's MoD called the report "absolutely false".

¶10. (U) Visit Embassy Kyiv's classified website:  
[www.state.gov/p/eur/kyiv](http://www.state.gov/p/eur/kyiv).

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